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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,783	09/05/2003	John C. Goodwin III	11328.00	8959

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EXAMINER	
LEE, DIANE I	

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/656,783	GOODWIN, JOHN C.	
	Examiner	Art Unit	
	D. I. Lee	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *6/30/05 (Amendment)*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Receipt is acknowledged of the Amendment filed 30 June 2005. Claims 1-8 have been amended, no claims have been canceled, and no claims have been newly added by this amendment.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

(a) Claims 1 and 6-8 each contains operation of concurrently reading/generating a scan pattern for reading a bar code label and a sensing field for interrogating a radio frequency identification label by the checkout device.

On pages 7-8 of the application discloses "bar code reader 36 receives a signal from threshold sensor 59 and label interrogator 64 establishing a sensing field" in reference to step 84 of figure 3, and "bar code reader 36 generates a scan pattern and label interrogator 64 senses RFID label 14" in reference to step 86 of figure 3. The specific claimed subject matter of **concurrently** reading/generating a scan pattern for reading a bar code label and a sensing field for interrogating a radio frequency identification label by the checkout device is not properly described in the application at the time of filing.

Accordingly, claims 1 and 6-8 and claims depend therefrom (i.e., claims 2-5) failed to comply with the written description requirement.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-5 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds et al. [US 6,286,762-referred as Reynolds] in view of Katsandres et al. [US 6,119,941]

Re claims 1-2, 4, 7-8: Reynolds discloses a system and a method for notifying an operator of a result of attempting to read a number of product labels on an item 14 by a checkout device (a reader 10), the checkout device 10 comprising;

a bar code reader 32;

a radio frequency identification label reader 30;

a good read indicator (green LEDs 76, 78 for successful reading operation, such as green LED 76 indicates a single good reading of RFID tag and green LED 78 indicates a single good reading of machine read code, see col. 6, lines 65+; col. 7, lines 41+; and figure 3);

a bad read indicator (red LEDs 84, 86 for unsuccessful or incomplete reading operation, such as red LED 84 indicates a single bad reading of RFID tag and red LED 86 indicates a single bad reading of machine readable code, such as bar codes, stacked codes, etc., see col. 6, lines 65+; col. 7, lines 41+; and figure 3);

control circuitry 46

for causing the bar code reader to generate a scan pattern for reading a bar code label 24a, 24b;

for causing the radio frequency identification label reader 30 to generate a sensing field for interrogating a radio frequency identification label 12a, 12b;

for notifying an operator of a result of attempting to read a number of product labels, including at least one of a bar code label and a radio frequency identification label on an item (i.e., flashing yellow LEDs, such as LED 80 for RFID tag and flashing yellow LED 82 for bar code, see col. 7, lines 41+ and figure 2);

wherein the control circuitry

activates a bad read indicator (i.e., illuminating red LED 84, 86 in response to a unsuccessful or incomplete read operation of the RFID tag 12a, 12b or bar code 24a, 24b) to indicate a single bad read indication if the control circuitry fails to completely receive item identification information from at least one of the bar code label and the radio frequency identification label (see col. 6, lines 65+; col. 7, lines 58+; and figures 2-3); and

activates a good read indicator (i.e., illuminating green LED 76, 78 in response to a successful read of the RFID tag 12a, 12b or bar code 24a, 24b) to indicate a single good read indication if the control circuitry receives item identification information from at least one of the bar code label and the radio frequency identification label (see col. 6, lines 65+; col. 7, lines 55+; and figures 2-3).

Reynolds fails to teach the specific operation of concurrently reading/generating a scan pattern for reading a bar code label and a sensing field for interrogating a radio frequency identification label.

Katsandres discloses a hand-held device 501 having an input devices processor 902 receiving input data from a plurality of ADA data reader (input data readers 904, 905). Wherein the ADA data readers includes bar code readers, RF tag readers, magnetic stripe readers, SmartCards, OCR recognition systems, and speech input recognizers. The ADC data readers 904 and 905 can also concurrently provide imaged or scanned data to the hand-held device 501 for processing (see col. 14, lines 27+ and figure 9).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the concurrent data input operation (i.e., the device concurrently supporting the input data from plurality of bar code readers that include RF tag readers, magnetic stripe readers, SmartCards, OCR recognition systems, and speech input recognizers), as taught by Katsandres, in order to provide multiple reading operation in the data reader of Reynolds. Such medication would have provided Reynolds with multiple data reading operation without extending the processing time.

Re claims 3 and 5: wherein the checkout device 10 further includes an audio indicator 64 for audibly indicating bad read operation (see col. 13, lines 43+; and figure 2).

6. **Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds as modified by Katsandres as applied to claim 1 above, and further in view of Minasy [US 5,121,103-referred as Minasy].** The teachings of Reynolds as modified by Katsandres have been discussed above.

In Reynold's teachings, the activation of the user input by the operator of the checkout device (i.e., the user activating the trigger 20) obviously teaches that the operator is visually recognizing that the item is within the reading range of the checkout or has passed over by the checkout device. The signal received in the reader upon the triggering act of the user prompts

the reader to operate in reading mode, which serves the function of (i.e., the reader) receiving an indication that the item is within the reading range of the checkout device (i.e., provided by the operator's visual inspection and activating the trigger).

Reynolds as modified by Katsandres fails to explicitly teach the step of receiving an indication that the item has passed over by a checkout device.

Minasy teaches a checkout device 14, 16 having an antenna 34 mounted in or adjacent to the counter 20 of the cash register 24 to alert the clerk when the system has detected the passage of checkout item (see col. 5, lines 60+ and figure 1).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the checkout device having an antenna that detects the passage of checkout item in the checkout device of Reynolds as modified by Katsandres in order to ensure the reading operation of all product items that passed over the checkout device.

Response to Arguments

7. Applicant's arguments filed 6/30/05 have been fully considered but they are not persuasive.

8. Applicant argued with respect to Reynolds that Reynolds does not teach or suggest "concurrently generating a scan pattern for reading a bar code label and a sensing field for interrogating a radio frequency identification" (see page 5, lines 13+). The examiner acknowledged that Reynolds does not teach the specific operation of concurrently reading/generating a scan pattern for reading a bar code label and a sensing field for interrogating a radio frequency identification label. However, Katsandres reference was brought in the rejection to provide the teaching lacked in Reynolds for Katsandres discloses a hand-held device 501 having an input devices processor 902 receiving input data from a plurality of ADA

data reader (input data readers 904, 905). Wherein the ADA data readers includes bar code readers, RF tag readers, magnetic stripe readers, SmartCards, OCR recognition systems, and speech input recognizers. The ADC data readers 904 and 905 can also concurrently provide imaged or scanned data to the hand-held device 501 for processing (see col. 14, lines 27+ and figure 9). In view of Katsandres' teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the concurrent data input operation (i.e., the device concurrently supporting the input data from plurality of bar code readers that include RF tag readers, magnetic stripe readers, SmartCards, OCR recognition systems, and speech input recognizers), as taught by Katsandres, in order to provide multiple reading operation in the data reader of Reynolds. Such medication would have provided Reynolds with multiple data reading operation without extending the processing time.

9. In response to Applicant's further argument with respect to Reynolds that Reynolds does not teach "activating a good read indicator to indicate a single good read" of if no item identification information is received in response to at least one of the generated scan pattern and sensing field as required by Applicant's claims 1 and 7-8 (see page 6, lines 1+), the Examiner respectfully disagrees. Reynolds teaches a good read indicator (green LED 76, 78 for successful reading operation, such as green LED 76 indicates a single good reading of RFID tag and green LED 78 indicates a single good reading of machine read code, see col. 6, lines 65+; col. 7, lines 41+; and figure 3) and a bad read indicator (red LED 84, 86 for unsuccessful or incomplete reading operation, such as red LED 84 indicates a single bad reading of RFID tag and red LED 86 indicates a single bad reading of machine readable code, such as bar codes, stacked codes, etc., see col. 6, lines 65+; col. 7, lines 41+; and figure 3). In other words, Reynolds operating mode is controlled by the mode switch 34 or the trigger 30 (e.g., RF tag reading mode or machine readable code symbol reading mode). For example, in RF tag

reading mode, the reader receives RF tag information while no machine-readable code information is received. The reader activates a good symbol read indicator (activates a green LED 76 to indicate a single good RF tag reading) to indicate a single good read while no item identification information is received from the machine-readable symbol. Another example, in machine readable code symbol reading mode, the reader receives a machine readable code information while no RF tag information is received, which the reader activates a good RF tag read indicator (activates a green LED 78 to indicate a good machine readable symbol reading) to indicate a single good read of machine readable symbol while no item identification information is received of the RF tag. Further, it is noted that the features upon which applicant relies (i.e., one of the particular operating situation, such as the specifics of activating a good read indicator to indicate a single good read" of if no item identification information is received in response to one of the generated scan pattern and sensing field) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Accordingly, Applicant's argument on this point is not persuasive.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. I. Lee whose telephone number is (571) 272-2399. The examiner can normally be reached on Monday through Thursday from 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D. I. Lee
Primary Examiner
Art Unit 2876

D. L.